

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:18-cv-04969-CBM-JEM**

Mark Hezinger v. United States Attorneys Office for the Central
District of California et al
Assigned to: Judge Consuelo B. Marshall
Referred to: Magistrate Judge John E. McDermott
Cause: 05:552 Freedom of Information Act

Date Filed: 06/04/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Mark Hezinger

represented by **Mark Hezinger**
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PRO SE

V.

Defendant

**United States Attorneys Office for the
Central District of California**

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Defendant

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Federal Bureau of Investigation

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Department of Homeland Security

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Defendant

represented by

Los Angeles Police Department
TERMINATED: 10/05/2018

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Date Filed	#	Docket Text
06/04/2018	<u>1</u>	COMPLAINT against Defendants Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, Los Angeles Police Department, National Security Division, United States Attorneys Office for the Central District of California. Case assigned to Judge Consuelo B. Marshall for all further proceedings. Discovery referred to Magistrate Judge John E. McDermott. (Filing Fee \$ 400 PAID), filed by Plaintiff Mark Hezinger. (Additional attachment(s): # <u>1</u> Civil Cover Sheet) (lh). (Entered: 06/07/2018)
06/04/2018	<u>2</u>	60 DAY Summons Issued re Complaint – (Discovery), <u>1</u> as to Defendant United States Attorneys Office for the Central District of California. (lh) (Entered: 06/07/2018)
06/04/2018	<u>3</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Mark Hezinger, (lh) (Entered: 06/07/2018)
06/04/2018	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Consuelo B. Marshall and Magistrate Judge John E. McDermott. (lh) (Entered: 06/07/2018)
06/07/2018	<u>5</u>	STANDING ORDER by Judge Consuelo B. Marshall: READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE AND MAY DIFFER IN SOME RESPECTS FROM THE LOCAL RULES. (see document for further details) (bm) (Entered: 06/07/2018)
06/13/2018	<u>6</u>	APPLICATION for Pro Se Litigant to electronically file documents in a specific case filed by plaintiff Mark Hezinger. (bm) (Entered: 06/14/2018)
06/15/2018	<u>7</u>	ORDER by Judge Consuelo B. Marshall: granting <u>6</u> APPLICATION for Pro Se Electronic Filing. The applicant must register to use the Courts CM/ECF System within five (5) days of being served with this order. Registration information is available at the Pro Se Litigant E-Filing web page located on the Courts website. Upon registering, the applicant will receive a CM/ECF login and password that will allow him/her to file non-sealed documents electronically in this case only. Any documents being submitted under seal must be manually filed with the Clerk. (bm) (Entered: 06/15/2018)
07/11/2018	<u>8</u>	SUBMISSION BY PLAINTIFF OF PROOF OF SERVICE TO ALL DEFENDANTS filed by Plaintiffs in Pro Per Mark Hezinger.(ab) (Entered: 07/12/2018)
07/27/2018	<u>9</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>and</i> , NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Los Angeles Police Department. Motion set for hearing on 9/4/2018 at 10:00 AM before Judge Consuelo B. Marshall. (Attachments: # <u>1</u> Memorandum of points and authorities in support of motion to dismiss, # <u>2</u> Proposed Order) (Attorney Arlene Nancy Hoang added to party Los Angeles Police Department(pty:dft)) (Hoang, Arlene) (Entered: 07/27/2018)
07/27/2018	<u>10</u>	CERTIFICATE of Interested Parties filed by Defendant Los Angeles Police Department, identifying City of Los Angeles. (Hoang, Arlene) (Entered: 07/27/2018)
08/24/2018	<u>11</u>	REQUEST FOR EXTENSION filed by plaintiff Mark Hezinger. (Attachments: # <u>1</u> Proposed Order) (bm) (Entered: 08/24/2018)
08/27/2018	<u>12</u>	MINUTES IN CHAMBERS– ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO RESPOND [DKT. NO. 11] AND CONTINUING HEARING by Judge Consuelo B. Marshall granting <u>11</u> REQUEST for Extension of Time to File: The

		matter before the Court is Plaintiff's request for an extension of time to file an opposition to Defendant Los Angeles Police Department's motion to dismiss. (Dkt. No. 11.) The request is GRANTED. The hearing on Defendant's motion to dismiss (Dkt. No. 9) is hereby continued to October 2, 2018 at 10:00 a.m. Plaintiff shall file his opposition no later than September 11, 2018. Defendant shall file its reply no later than September 18, 2018. (bm) (Entered: 08/27/2018)
08/31/2018	<u>13</u>	PROOF OF SERVICE Executed by Plaintiff Mark Hezinger, upon Defendants served on 8/31/2018, answer due 10/30/2018. Service of the Summons and Complaint were executed upon the United States Attorneys Office by unspecified means. Executed upon the Attorney Generals Office of the United States by delivering a copy to not indicated. Executed upon the officer agency or corporation by delivering a copy to not indicated. Service was executed in compliance with statute not specified. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons NOT returned. (bm) (Entered: 09/04/2018)
09/10/2018	<u>14</u>	MEMORANDUM OF POINTS AND AUTHORITIES in Opposition to NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>and</i> filed by Plaintiff Mark Hezinger. (yl) (Entered: 09/11/2018)
09/10/2018	<u>15</u>	PROOF OF SERVICE filed by Plaintiff Mark Hezinger. The Memorandum of Points and Authorities in Opposition to Motion for Defendant LAPD to Dismiss Plaintiff's Complaint (Entered: 09/11/2018)
09/14/2018	<u>16</u>	EX PARTE APPLICATION filed by plaintiff Mark Hezinger. (bm) : # <u>1</u> Proposed Order) (bm). (Entered: 09/14/2018)
09/14/2018	<u>17</u>	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION <u>16</u> filed by Plaintiff Mark Hezinger. (bm) (Entered: 09/14/2018)
09/14/2018	<u>18</u>	PROOF OF SERVICE BY MAIL filed by plaintiff Mark Hezinger, re EX PARTE APPLICATION <u>16</u> , MEMORANDUM in Opposition to Motion <u>17</u> , served on 9/14/18. (bm) (Entered: 09/14/2018)
09/17/2018	<u>19</u>	OPPOSITION re: EX PARTE APPLICATION for Order <u>16</u> filed by Defendant Los Angeles Police Department. (Hoang, Arlene) (Entered: 09/17/2018)
09/17/2018	<u>20</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>and</i> NOTICE OF MOTION AND MOTION to Dismiss Case <u>2</u> filed by Defendant Los Angeles Police Department. (Hoang, Arlene) (Entered: 09/17/2018)
09/20/2018	<u>21</u>	EX PARTE APPLICATION to Extend Time to File Answer to 10/30/2018 re Complaint – (Discovery),, <u>1</u> filed by Federal Defendants Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, National Security Division, United States Attorneys Office for the Central District of California. (Attachments: # <u>1</u> Proposed Order) (Attorney Alarice M Medrano added to party Department of Homeland Security(pty:dft), Attorney Alarice M Medrano added to party Department of Justice(pty:dft), Attorney Alarice M Medrano added to party Federal Bureau of Investigation(pty:dft), Attorney Alarice M Medrano added to party National Security Division(pty:dft), Attorney Alarice M Medrano added to party United States Attorneys Office for the Central District of California(pty:dft)) (Medrano, Alarice) (Entered: 09/20/2018)
09/26/2018	<u>22</u>	MINUTES IN CHAMBERS– ORDER DENYING EX PARTE APPLICATION [DKT. NO. 16] WITHOUT PREJUDICE TO PLAINTIFF'S FILING A REGULARLY NOTICED MOTION by Judge Consuelo B. Marshall denying <u>16</u> EX PARTE APPLICATION: Accordingly, Plaintiff's ex parte application is denied without prejudice to his filing a regularly noticed motion addressing the same topic. Plaintiff is also advised that there is a federal pro se clinic available to help pro se litigants with various matters relating to federal litigation. Information is available at: http://prose.cacd.uscourts.gov/los-angeles . (see document for further details) (bm) (Entered: 09/26/2018)
09/27/2018	<u>23</u>	MINUTES IN CHAMBERS– ORDER RE: UNOPPOSED EX PARTE APPLICATION FOR EXTENSION OF TIME by Judge Consuelo B. Marshall granting <u>21</u> EX PARTE APPLICATION: Before the Court is Defendants' ex parte application requesting an extension of time to answer, plead, or otherwise respond to

		Plaintiff's complaint in this action. (Dkt. No. 21.) Defense counsel indicates in a declaration that Plaintiff does not oppose the request. (Medrano Decl. 9.) Accordingly, the request is granted. Defendants' response to the complaint shall be filed no later than October 30, 2018. However, future unopposed ex parte applications will not be granted unless accompanied by a showing as to why the parties were unable to proceed by stipulation rather than ex parte application. (bm) (Entered: 09/27/2018)
10/02/2018	<u>24</u>	MINUTES OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND TO STRIKE PORTIONS OF THE COMPLAINT <u>2</u> Hearing held before Judge Consuelo B. Marshall: The case is called and counsel states her appearance. No appearance made on behalf of plaintiff. The Court and counsel confer. Defendant's Motion to Dismiss Plaintiff's Complaint is GRANTED. A written order will issue. Court Reporter: Marea Woolrich. (bm) (Entered: 10/02/2018)
10/05/2018	<u>25</u>	ORDER DISMISSING CLAIM AGAINST THE LOS ANGELES POLICE DEPARTMENT WITHOUT PREJUDICE [DKT. NO. 9] by Judge Consuelo B. Marshall: The Court DISMISSES Plaintiffs sole cause of action against the Los Angeles Police Department for lack for subject-matter jurisdiction. This dismissal is WITHOUT PREJUDICE to Plaintiff's refileing the claim in state court. (see document for further details) (bm) (Entered: 10/05/2018)
10/30/2018	<u>26</u>	ANSWER to Complaint – (Discovery),, <u>1</u> filed by Defendants Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, National Security Division, United States Attorneys Office for the Central District of California.(Medrano, Alarice) (Entered: 10/30/2018)
11/26/2018	<u>27</u>	MOTION for Summary Judgment in favor of Plaintiff for Claim 2 filed by Plaintiff Mark Hezinger. (shb) (Additional attachment(s) added on 11/27/2018: # <u>1</u> Proposed Order) (shb). (Entered: 11/27/2018)
11/26/2018	<u>28</u>	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT IN FAVOR OF PLAINTIFF FOR CLAIM 2 <u>27</u> filed by Plaintiff Mark Hezinger. (Attachments: # <u>1</u> Memorandum part 2, # <u>2</u> Memorandum part 3, # <u>3</u> Memorandum part 4)(shb) (Attachment 2 replaced on 1/7/2019) (rsm). (Additional attachment(s) added on 1/7/2019: # 4 Memorandum Part II) (rsm). (Attachment 3 replaced on 1/7/2019) (rsm). (Entered: 11/27/2018)
11/26/2018	<u>29</u>	PROOF OF SERVICE filed by Plaintiff Mark Hezinger, re Memorandum in Support of Motion <u>28</u> , MOTION for Summary Judgment in favor of Plaintiff for Claim 2 <u>27</u> served on 11/26/2018. (shb) (Entered: 11/27/2018)
12/04/2018	<u>30</u>	MINUTE ORDER IN CHAMBERS–SETTING SCHEDULING CONFERENCE by Judge Consuelo B. Marshall. On the Courts own motion, this case is set for a Scheduling Conference on 2/19/2019 at 9:30 AM pursuant to FRCP 16(b). SEE DOCUMENT FOR FURTHER DETAILS. (vv) (Entered: 12/04/2018)
12/13/2018	<u>31</u>	MINUTE IN CHAMBERS ORDER AND NOTICE TO ALL PARTIES by Judge Consuelo B. Marshall: re: The Court is in receipt of Plaintiff's motion for summary judgment, filed on November 26, 2018 <u>27</u> . Counsel and the parties are hereby notified that this matter is set for hearing on January 15, 2019 at 10:00 a.m.A Pro Se Clinic is now available for litigants representing themselves. It offers on-site information and guidance. For more information call the Clinic in Los Angeles at 213-385-2977 ext. 270. In Riverside call the Clinic at 951-682-7968 or the Santa Ana Clinic at 714-541-1010 x 222. (shb) (Entered: 12/13/2018)
12/18/2018	<u>32</u>	EX PARTE APPLICATION to Continue Hearing from 1/15/19 to 2/19/19 Re: Minutes of In Chambers Order/Directive – no proceeding held,,, Set/Reset Motion Hearing and R&R Deadlines,, <u>31</u> filed by Defendant United States Attorneys Office for the Central District of California. (Attachments: # <u>1</u> Proposed Order) (Medrano, Alarice) (Entered: 12/18/2018)
12/20/2018	<u>33</u>	ORDER GRANTING EX PARTE APPLICATION TO CONTINUE THE HEARING DATE ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS TIME TO OPPOSE THE MOTION IN ORDER TO ALLOW THE PARTIES TO CONDUCT A RULE 26 CONFERENCE AND SET A BRIEFING SCHEDULE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT <u>32</u> by Judge Consuelo B. Marshall: For good cause shown, IT IS HEREBY ORDERED that: (1)

		The hearing date on Plaintiff's Motion for Summary Judgment (Docket No. 31) is continued from January 15, 2019, to a date to be determined at the Scheduling Conference on February 19, 2019; and (2) The deadline for Defendant United States Attorney's Office for the Central District of California ("USAO") to file an opposition to Plaintiff's motion for summary judgment is continued from December 25, 2018, to a date to be determined at the Scheduling Conference on February 19, 2019. (3) Counsel are further ordered to meet and confer regarding all pending motions and those motions that the parties intend to file, which will be discussed at the Scheduling Conference. (bm) (Entered: 12/21/2018)
12/21/2018	<u>34</u>	OPPOSITION TO DEFENDANTS EX PARTE APPLICATION <u>32</u> filed by Plaintiff Mark Hezinger. (lc) (Entered: 12/27/2018)
12/21/2018	<u>36</u>	PROOF OF MAIL SERVICE re Opposition to defendant ex parte application <u>34</u> , MOTION to Expedited Processing <u>35</u> served on 12/21/18 filed by plaintiff Mark Hezinger. (lc) (Entered: 12/27/2018)
12/26/2018	<u>35</u>	MOTION FOR EXPEDITED PROCESSING filed by plaintiff Mark Hezinger. (lc) (Entered: 12/27/2018)
01/11/2019	<u>37</u>	EX PARTE APPLICATION to Stay Case pending the Lapse of Appropriations ; <i>Declaration of Alarice M. Medrano</i> filed by Defendants Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, National Security Division, United States Attorneys Office for the Central District of California. (Attachments: # <u>1</u> Proposed Order) (Medrano, Alarice) (Entered: 01/11/2019)
01/14/2019	<u>38</u>	ORDER by Judge Consuelo B. Marshall: GRANTING <u>37</u> EX PARTE APPLICATION STAYING THE ENTIRE CASE DUE TO LAPSE OF APPROPRIATIONS. IT IS ORDERED that due to the lapse in appropriations to the Department of Justice (Department), the entire case is stayed until Department of Justice attorneys are permitted to resume their usual civil litigation functions. The Court further orders the parties to submit a joint status report no later than February 11, 2019. (shb) (Entered: 01/14/2019)
02/08/2019	<u>39</u>	STATUS REPORT AND STIPULATION TO LIFT STAY AND RESET THE SCHEDULING CONFERENCE filed by Defendants Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, National Security Division, United States Attorneys Office for the Central District of California. (Attachments: # <u>1</u> Proposed Order)(Medrano, Alarice) (Entered: 02/08/2019)
02/15/2019	<u>40</u>	ORDER by Judge Consuelo B. Marshall. The Court, having considered the parties Status Report and Stipulation to Lift Stay and Reset the Scheduling Conference, and good cause appearing therefor, hereby ORDERS that: The stay of these proceedings is lifted; The outstanding dates in this case shall be reset as follows: Counsel shall disclose information and confer on a discovery plan no later than 21 days prior to the Scheduling Conference – 3/5/2019. Counsel shall file a Rule 26(f) discovery plan no later than 7 days prior to the Scheduling Conference – 3/19/2019. Scheduling Conference pursuant to FRCP 16(b) – 3/26/2019 at 9:30 a.m. See order for further details. (shb) (Entered: 02/15/2019)